UNITED
NATIONS

CAT

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Distr.
GENERAL

CAT/C/SR.131/Add.2
8 February 1993

ENGLISH
Original: FRENCH

COMMITTEE AGAINST TORTURE

Ninth session

SUMMARY RECORD OF THE THIRD PART (PUBLIC)* OF THE 131st MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 17 November 1992, at 5.25 p.m.

Chairman: Mr. VOYAME

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* The summary record of the first part (public) and second part (closed) of the meeting appear as documents CAT/C/SR.131 and CAT/C/SR.131/Add.1 respectively.

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GE.92-14581 (E)

The third part (public) of the meeting was called to order at 5.25 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION (agenda item 4) (continued)

Periodic report of Mexico (CAT/C/17/Add.3) (continued)

1. At the invitation of the Chairman, Mr. Heller, Mr. Carvalho de Plasa and Mr. Ruiz y Avila (Mexico) took places at the Committee table.

2. Mr. GIL LAVEDRA (Country Rapporteur) read out the Committee's conclusions concerning the periodic report of Mexico, as follows:

"The Committee expresses its sincere thanks to the Mexican Government for its well-documented periodic report, as well as for the frank explanations provided orally in response to questions raised.

"The Committee notes with satisfaction the many legislative, judicial and administrative measures that have been adopted by that Government with a view to the implementation of the provisions of the Convention. It notes in particular the establishment of the National Human Rights Commission with the status of a constitutional body, the promulgation of the Federal Act to Prevent and Punish Torture, the amendment of the Federal Code of Penal Procedure, the various measures taken by the Procurator-General of the Republic, as well as the many human rights education, training and information programmes.

"However, the Committee notes with deep concern that, according even to the official sources, an extremely large number of acts of torture of all kinds are perpetrated in the country despite the existence of a legal and administrative system designed to prevent and punish them. In this respect, the number of torturers that have been punished is small in comparison to the number of complaints.

"The Committee hopes that the Government's political will and the various measures adopted will have the desired effect, and in particular that those guilty of acts of torture will not remain unpunished. The Committee would be grateful if the Mexican Government transmitted to it, within 18 months, additional information on the specific results of the application of legislative and administrative measures already adopted, and in particular on the punishment of those responsible for acts of torture."

3. The CHAIRMAN said that the Centre for Human Rights was at the disposal of States desiring assistance in the promotion of human rights; it could, for example, organize courses for police officials. Members of the Committee were also prepared to assist. He also stated unofficially that, when the Committee examined the additional information to be communicated by the Mexican Government in about 18 months, he would inform the Mexican delegation of the date when it would be considered so that it could participate if it so desired. Lastly, if Mexico wished to subscribe to efforts to put an end to

torture at the international level, it could contribute to the United Nations Voluntary Fund for Torture Victims. He thanked the Mexican delegation for their sincere and fruitful cooperation.

4. Mr. Heller, Mr. Carvalho de Plasa and Mr. Ruiz y Avila (Mexico) withdrew.

The meeting was suspended at 5.30 p.m. and resumed at 5.35 p.m.

SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION (agenda item 3) (CAT/C/5, 7, 9, 12, 16 and 17)

5. Mr. BRUNI (Secretary of the Committee) drew the Committee's attention to documents CAT/C/5, CAT/C/7, CAT/C/9, CAT/C/12 and CAT/C/16, which contained lists of States parties which should submit or should have submitted their initial reports between 1988 and 1992, as well as the list of States parties whose initial report had been due since June 1992 (CAT/C/17).

6. In the case of reports due in 1988, he noted that 27 initial reports had been requested and that 25 had already been submitted to the Committee; the reports of Togo and Uganda had not so far been received. He recalled that, at its seventh session, the Committee had invited those two countries to submit their initial reports and the reports due in 1992 as a single document. Moreover, in accordance with a decision taken by the Committee at its eighth session concerning States parties whose initial report was more than three years overdue, the Chairman of the Committee had, on 24 July 1992, sent a letter to the Ministers of Foreign Affairs of Togo and Uganda, drawing their attention to the obligations assumed by their Governments in respect of their reports; no reply had yet been received, however.

7. At its seventh session, the Committee had decided not to examine the report of Belize in the absence of that State's representatives, and to request it to supplement its report so that it could be considered at the eighth session. That decision had been brought to the attention of the Government of Belize in December 1991 and although reminders had been sent in March and June 1992 no communication had been received from Belize on the subject. At the beginning of the present session the Committee had decided to address a further communication to Belize, inviting it to send additional information and a delegation and indicating that, in any event, the report would be considered at its next session.

8. With respect to reports due in 1989, eight of the ten reports expected had already been submitted to the Committee. In accordance with its rules of procedure and its decisions on the subject, four reminders had been sent to Guyana and Peru, whose report was more than three years overdue. The Chairman of the Committee had also discussed the delay with the Peruvian representative in Geneva on 6 May 1992 and had sent a letter on the subject to the Minister of Foreign Affairs of Guyana in July, since that country did not have a representative in Geneva. So far no report had been received from Guyana; Peru, however, had recently submitted its report.

9. In 1990, four of the eleven initial reports requested had still not reached the Secretariat, namely, those of Brazil, Guinea, Poland and Portugal. Two or three reminders, as the case may be, had been sent to those States.

10. As regards 1991, four of the seven initial reports expected had not been received by the Secretariat and reminders had been sent to the States concerned, namely, Guatemala, Malta, Paraguay and Somalia. Liechtenstein had submitted its report in July 1992, but after consultation with the Chairman of the Committee, the secretariat had requested that State in August 1992, to supplement its report in accordance with the Committee's instructions.

11. Nine initial reports had been requested for 1992; eight of them had not yet been submitted and four were overdue, namely, those of Cyprus, Nepal, Serbia and Montenegro and Venezuela.

12. At its previous sessions, the Committee had decided to invite a number of States parties whose initial reports had already been considered to submit additional information or a supplementary report in accordance with rule 67 of the rules of procedure. Additional information had accordingly been requested of seven States and supplementary reports of eight States. The supplementary report of China that the Committee had requested for the end of December 1990 had reached the Secretariat in October 1992 and would therefore be included in the agenda of the next session. Australia and the United Kingdom had made a point of submitting to the Committee information that had been requested during the consideration of their initial reports, in November 1991, even though the Committee had not formally requested them to do so. The information communicated by Australia was set out in document CAT/C/9/Add.11; the legislative texts and information on specific questions submitted by the United Kingdom could be consulted in the files of the Centre for Human Rights.

13. As a whole, for the June 1988 to October 1992 period, of 64 initial reports requested 45 had already been submitted; 15 were overdue and 4 had been due by the end of 1992. As for periodic reports, 9 of the 26 requested for 1992 had already been submitted, 14 were slightly overdue and 3 had been due by November or December 1992.

14. The periodic reports of Hungary, Panama, Sweden and Peru, submitted recently, would be included in the agenda of the Committee's next session; rapporteurs had already been designated, except in the case of Peru. The Canadian Government had requested that consideration of its periodic report, which had been included in the agenda of the present session, should be deferred to the next session. Lastly, France and Switzerland had indicated that their periodic reports would be submitted in the near future. Accordingly, the reports of Belize, Canada, China, Hungary, Panama, Peru and Sweden could be considered at the next session, as well as any others that might be received in the meantime.

15. The CHAIRMAN noted that there had not been any major delays in the submission of reports nor in their consideration by the Committee. That might change, however, since the Committee already had seven reports to consider at its next session, not counting those that might arrive in the meantime, and in addition it had to devote a day and a half to the task of drafting its annual report. Its workload would therefore be extremely heavy, and thought should be given to the possibility of the Committee meeting five weeks each year in

future. Two country rapporteurs should be appointed in connection with the consideration of the report of Peru; he proposed Mr. Gil Lavedra as rapporteur and Mr. Lorenzo as alternate rapporteur.

16. It was so decided.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2) (continued)

17. Mr. LORENZO said that on several occasions documentation and mail from Geneva had reached him in Uruguay after considerable delay, which had made his task more difficult and affected the results of his work. For example, he had learned only on his arrival in Geneva that he was Country Rapporteur for Argentina. Could the Secretariat arrange to have documents relating to the Committee's sessions transmitted more rapidly?

18. The CHAIRMAN said that that problem was encountered by several members of the Committee and one to which he would give thought; the Secretariat had taken note of it.

19. Mr. SORENSEN said that the European Committee for the Prevention of Torture of the Council of Europe published country reports in English and French that could be useful to the Committee in connection with its consideration of the reports of the same countries. For example, there was a very comprehensive report on Sweden which could be distributed to members of the Committee for the next session.

20. The CHAIRMAN said that the Secretariat could make such reports available to members of the Committee without actually distributing them.

The meeting rose at 5.55 p.m.